

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

RICHARD LELAND NEAL

Plaintiff,

v.

THE BANK OF NEW YORK MELLON  
TRUST COMPANY,

Defendant.

2:12-cv-1352-LRH-VCF

ORDER

Before the court is defendant the Bank of New York Mellon Trust Company's ("Mellon") motion to dismiss. Doc. #11.<sup>1</sup> Pro se plaintiff Richard Leland Neal ("Neal") filed an opposition (Doc. #15) to which Mellon replied (Doc. #17).

On July 31, 2012, pro se plaintiff Neal filed a complaint against defendant Mellon for quiet title over real property. *See* Doc. #1. The court has reviewed Neal's complaint and finds that it fails to sufficiently allege a single cause of action upon which relief can be granted. In his complaint, Neal merely sets out the base elements of his claims but fails to allege how defendant Mellon acted, and how Mellon's actions violated the elements of the claims he puts forth. Further, Neal has not even established that he has standing to pursue his claims or how he was a party to the underlying loan transactions. Therefore, the court shall grant Mellon's motion to dismiss. However, because Neal is presenting his claims pro se, the court shall grant him leave to file an amended complaint

<sup>1</sup> Refers to the court's docket number.

1 that sets out specific allegations which support his stated causes of action and establishes his  
2 standing to pursue those claims.

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4 IT IS THEREFORE ORDERED that defendant's motion to dismiss (Doc. #11) is  
5 GRANTED. Plaintiff's complaint (Doc. #1) is DISMISSED in its entirety.

6 IT IS FURTHER ORDERED that pro se plaintiff Richard Leland Neal shall have thirty (30)  
7 days from entry of this order to file an amended complaint.

8 IT IS FURTHER ORDERED that pro se plaintiff's motion to strike (Doc. #19) is DENIED.

9 IT IS SO ORDERED.

10 DATED this 6th day of January, 2013.



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13 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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